

CASE LD0338 NP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

BHIDE ET AL.

APPLICATION NO: 10/622,593

FILED: JULY 18, 2003

FOR: AZAINDOLE KINASE INHIBITORS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER (3)

Sir:

Bristol-Myers Squibb Company, a Delaware corporation, having a place of business at Lawrenceville-Princeton Road, Princeton, NJ 08543-4000, represents that it is the assignee and owner of the entire interest in the above-identified application by virtue of an assignment which was recorded in the United States Patent and Trademark Office on October 30, 2003 at Reel/Frame 014092/0238.

Bristol-Myers Squibb Company hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application which would extend beyond the expiration date of the full statutory term defined in 35 USC §154-156 and §173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending **Application No. 10/633,997** filed August 4, 2003. Said Application No. 10/633,997 is also assigned to Bristol-Myers Squibb Company by virtue of an assignment which was recorded in the United States Patent and Trademark Office on November 4, 2003 at Reel/Frame 014101/0169.


Bristol-Myers Squibb Company hereby agrees that any patent granted on the above-identified application shall be enforceable only for and during such period that it and any patent granted on Application No. 10/633,997 are commonly owned. This agreement runs with any patent granted on the above-identified application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Bristol-Myers Squibb Company does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the expiration date of the full statutory term as defined in 35 USC §154-156 and §173 of any patent granted on Application No. 10/633,997, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

A terminal disclaimer fee under 37 CFR §1.20(d) is included.

Signed this 13th day of May, 2005 by the undersigned attorney of record.

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